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Fighting to Give Everyone Full Access to Existing and Future Telecommunications Technologies

December 13, 1998

**The Honorable William E. Kennard
Chairman
Federal Communications Commission
1919 M Street, N.W., Room 814**

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

Re: FCC Merger en Banc

Dear Chairman Kennard:

We have been following with interest the Commission's reaching out to the consumer community to obtain advice on the three proposed mega-mergers the Commission is reviewing. The Campaign for Telecommunications Access believes that those of the proposed mergers that are most likely to support bringing existing and future telecommunications technology to all consumers, and not just some elite, should be supported and those that do not work in that direction should be scrutinized more closely. Under the current circumstances, the Campaign concludes that the Commission should look favorably on the SBC/Ameritech and the Bell Atlantic/GTE mergers but should scrutinize more closely the AT&T/TCI proposal.

The Campaign for Telecommunications Access works to assure that new telecommunications technologies will be available to, usable by, and affordable for all citizens, regardless of where they live and regardless of what disability or other condition they may have that is a barrier to their using some kinds of equipment. The participants in the Campaign are leaders and organizations that are substantially run, respectively, by older adults and people with disabilities and devoted to ensuring that older adults and people with disabilities--and all citizens for that matter--have the opportunity to live independent, productive lives and have the accommodations that allow them to be as fully integrated into the community as possible.

New telecommunications technology, when fully distributed to the citizenry and usable by and affordable for all, promises numerous new ways for older adults and people with disabilities--and all other citizens--to maintain their independence and lead productive lives. In order to ensure that all consumers have a chance to use fully existing and future telecommunications, the Campaign's foremost concern in telecommunications regulatory decisions is this:

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2

Campaign for Telecommunications Access

The Honorable William E. Kennard

Chairman

December 13, 1998

Page 2

Does the proposal guarantee that advanced technologies will reach, and current technologies will continue to reach, our constituents—geographically, technologically, and affordably—even though our constituents are spread all over America?

Both existing and new telecommunications technologies are essential for many older adults and people with disabilities to live their own lives with independence and dignity. Obviously, the telephone is the lifeline to family and emergency care givers when the need arises. That it reaches all Americans and is highly efficient are both essential to its performing that function. Think for a moment about the medallion that some people wear in their homes that allows a call for help with the single push of a button. That medallion would be useless were it not for the fact that 99+ percent of all calls are completed on the first dial. The person pushing the button may only have one chance to do so. It is the current, accurate, universal telephone system that makes this possible.

Then consider future technologies. We have the capacity today to put health clinics, schools, universities, libraries, jobs in homes and neighborhoods without moving people and all through various interactive, broadband technologies. Video conferencing allows the deaf to sign by telephone and grandparents to see grandchildren far away. It also allows true discourse between professor and remote student, true medical evaluation between doctor and remote patient, and so forth. These technologies and others promise to allow older adults and people with disabilities to integrate themselves within the society in general regardless of where they are located and without having to overcome the sometimes overwhelming challenges of transportation.

We have not, however, spread those technologies to residential consumers across the Nation. The Campaign's concern is whether the evolution of telecommunications regulation will assist in accomplishing that end.

As we look at the proposed mergers, we see this: The telephone companies are the only clear last hope for bringing broadband technology—technology essential for this future—the "last mile" to our homes and neighborhoods. Since the 1996 Act, all other industry segments have shown they will be slow to, or will not, go the last mile. Wireless and competitive access providers are focusing on serving businesses. Cable television and satellite services are not serving interactive voice and video communications. Cable television modems cannot be universally implemented without further development of the technology. Electric utilities have all but disappeared from the scene. Long distance companies are offering local service to businesses, but keep stepping away from serving residential consumers. For the foreseeable future, the local telephone companies are going to continue to be the chief source for both future technologies and the highly accurate local service that most Americans will be able to get.

Campaign for Telecommunications Access**The Honorable William E. Kennard
Chairman****December 13, 1998****Page 3,**

Will the local telephone companies continue to meet that need and roll out these new technologies? Some would say they cannot be trusted to roll out broadband technology the last mile to all consumers without some legal requirement. Yet, many facts indicate that they will work very much in that direction.

The local telephone companies are already invested in universal service; upgrading is more feasible than bringing the service anew. They have a corporate tradition and image of serving everybody in their service areas, a matter that may give them an edge in competition that they will not cavalierly ignore. The three regional Bell companies involved here have a history--according to the NAACP grading study and other sources--of better performance with minorities, women, and people with disabilities. They are presently pushing to get into the xDSL business--a technology that is good because it is affordable in many contexts and goes the "last mile."

If those companies are vibrant, they are the obvious and last hope for bringing new telecommunications technologies to all in their service areas. Those companies believe the proposed mergers will enhance their vitality. The Commission is not charged with second guessing that judgment. As such, the Commission should support the mergers that will enhance prospects of guarantying that advanced technologies will reach, and current technologies will continue to reach, the Campaign's constituents--geographically, technologically, and affordably--even though those constituents are spread all over these companies service areas.

Now the question turns to the AT&T/TCI proposed merger. Perhaps because these companies are subject to less regulation, the Campaign has had greater difficulty in obtaining information about them in key areas. The Campaign has not uncovered, however, any commitment by these companies to offer local telephone service to residential consumers throughout TCI's service area, even though TCI's cables do go that "last mile." If the constituents of this merger give some clear indications of providing such service, the Campaign would consider that a major advance and suggest the Commission should consider that a favorable indication for that merger. Without such commitment, however, the Campaign simply concludes that the merger does not advance the needs of older adults and people with disabilities.

The Campaign has another concern about the TCI merger. A blind member of the Campaign has report that TCI has recently offered digital service in her area. That digital service, it turns out, does not support the secondary audio channel that blind people have been able to use in recent years to obtain "Descriptive Video Service." Upon inquiry, the albeit local TCI people have indicated there is not a current plan to support Descriptive Video Service in the near future.

Campaign for Telecommunications Access

The Honorable William E. Kennard

Chairman

December 13, 1998

Page 4

As such, TCI has introduced a new technology that recreates a previously eliminated barrier to access for people who are blind. The blind individual and her sighted family members must decide whether to choose analog television service with video descriptions or digital television service with enhanced programming and enhanced displays, but no video descriptions. The Commission should investigate the policies of TCI and AT&T on endeavoring to make all their products and services usable by all people, regardless of disability, in the process of ruling on this proposed merger.

I appreciate the opportunity to submit this letter to you. I request that it be included in the record of your en banc proceeding.

Very truly yours,



David Newburger

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